

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

On Page 2 of the Office Action, the Patent Examiner has objected to the drawings under 37 CFR 1.83(a) stating that the drawings must show every feature of the invention specified in the claims. Specifically, the "segment marking" as claimed in claim 14 must be shown or the feature(s) cancelled from the claim(s). Corrected drawing sheets in compliance with 37 CFR 1.121(d) were required in order to avoid abandonment of the application.

This objection to the drawings is respectfully traversed.

Original FIG. 1 as well as the previously added and supplemental drawing (FIG. 2) show all the relevant structural details of the claims. The start marking is shown by reference numeral 6 in FIG. 1 as well as in FIG. 2. Since, according to reference numeral list, concerning reference numeral 6, the "start marking" can also be the address of the "segment marking"

claim 14 is especially well explained by FIG. 2. In FIG. 2, segment 19 with delimitations 20 is therefore clearly shown in the drawings. Thus, it is respectfully submitted that the drawings do show every feature of the invention specified in the claims.

Withdrawal of this ground of objection is respectfully requested.

On Page 3 of the Office Action, the Patent Examiner rejected claim 34 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. It was argued that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 34 recites, in part, "a defect marking system corresponding with the radiation source." This limitation is allegedly not understood.

In response to this rejection, Page 4 of the present Specification is being amended to recite terminology which was

originally presented in claim 10 as follows: that "the radiation source (4) corresponds with a defect marking system (13)."

On Page 4 of the Office Action, the Patent Examiner has stated that "Further, it is not understood how an 'irregularity or serious damage' is detected. There is no teaching in the disclosure for how this is done."

In response to this objection, it is respectfully pointed out that one skilled in the art would understand how this damage could be detected. This includes reviewing the present disclosure and the disclosures of these prior art documents as set forth in the present Specification:

*DE 101 40 920 A1*

*WO 03/059789 A2*, and

*DE 100 17 473 A1.*

Withdrawal of this objection is respectfully requested.

On Page 4 of the Office Action, the Patent Examiner objected to claim 14 because it recites "segment marking" and "start

marking." It is not understood how or why these are used. Does this have anything to do with the defect marking system?

In response to this objection, it is respectfully pointed out that pages 5, 6, and 7 of the present Specification discuss these elements of claim 14. One skilled in the art would clearly understand these structures.

Withdrawal of this ground of rejection is respectfully requested.

On Page 4 of the Office Action, the Patent Examiner has objected to claims 16 and 17 because they recite the limitation "the address of the start marking" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

In response to this objection, claim 16 has now been amended to recite "an address of the start marking." Also in response to this objection, claim 17 has now been amended to recite "an address" instead of "the address" before "start marking."

On Page 5 of the Office Action, the Patent Examiner rejected claim 17 under 35 U.S.C. 112, second paragraph, as being indefinite. This is because claim 17 recites, in part, "wherein the address of the segment marking and the address of the start marking are separate marking systems." How can an "address" be a system?"

In response to this rejection, "a part of" has been inserted before "separate marking systems."

On Page 5 of the Office Action, the Patent Examiner objected to claims 19, 21, and 22 because they all recite the limitation "the address of the start marking." There is insufficient antecedent basis for this limitation in the claim. Also, how can an "address" be: "a system" (claim 19), "at last one notch, color strip, reflection zone, metal particle, or permanent magnet" (claim 21), and/or "a code" (claim 22)?

In response to these objections, each of claims 19, 21, and 22 has now been amended to recite "an address" before "start marking."

Also in claim 19, "part of" was inserted before "a uniform marking system."

Regarding claims 21 and 22, it is believed that one skilled in the art would understand the objected-to terminology.

On Page 5 of the Office Action, the Patent Examiner has rejected claim 34 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 was rejected under 35 U.S.C. 112, second paragraph as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. Also, claim 34 was rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements.

On Page 8 of the Office Action, the Patent Examiner further objected to claim 34, because "Everything recited after the 'wherein' clause is functional language. The claim as written appears to be missing necessary elements which are needed to make the claim complete and logical."

In response to all these objections to claim 34, claim 34 has now been amended to cancel the objected-to term "wherein" and to change "emits" to "emitting" before "rays" and to change "evaluates" to "evaluating" before "the result."

Hence, it is believed that claim 34 is complete because it recites all the required structural cooperative relationships, and since it recites all the required essential elements.

On Page 6 of the Office Action, the Patent Examiner objected to claim 3 because of the following informalities: there appears to be a typo ("the radiation source the strike..."). Appropriate correction is required.

In response to this objection, the word "the" has been cancelled from claim 3 before the phrase "strike an entire width of the conveyor belt."

On Page 6 of the Office Action, the Patent Examiner objected to claim 14 because of the following informalities; the claim is written very awkwardly and it is not understood what exactly is

being claimed. What is the difference between "start marking" and "segment marking?"

In response to this objection, one skilled in the art would clearly understand the scope and content of claim 14.

On Page 6 of the Office Action, the Patent Examiner objected to claim 16 because of the following informalities: in line 3, it appears that the word "side" is missing after "carrying" (i.e. "carrying side").

In response to this objection, claim 16 was amended to recite "side" after the word "carrying."

On Page 6 of the office Action, the Patent Examiner objected to claim 19 because of the following informalities: in line 1, "Device" should be --The assembly--in order to maintain consistent language.

In response to this objection, claim 19 was amended to cancel "Device" and to insert "The assembly."

On Page 6 of the Office Action, the Patent Examiner objected to claim 23 because of the following informalities: in line 2, it appears that the word "code" is missing after "bar" (i.e. "bar code").

In response to this objection, claim 23 was amended to insert "code" after "bar" in line 2.

In conclusion, all of these rejections are respectfully traversed. All of the reasons set forth above provide a complete explanation of the present invention so as to enable anyone skilled in the art to make and to use the claimed invention in compliance with the requirements of 35 U.S.C. 112, both the first and the second paragraphs.

Based upon all of the above discussions of the present invention, it is firmly believed that the Drawings, the Specification, and all the claims, are now in complete compliance with all the requirements of 35 U.S.C. 112.

Withdrawal of this ground of rejection is respectfully requested.

A prompt notification of allowability is respectfully requested.

Respectfully submitted,  
Wolfgang SCHNELL



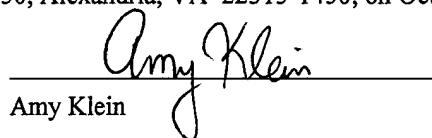
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Enclosures: 1. Petition for Three (3) Month Extension of Time  
Large Entity

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2010.



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